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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/788,516

02/27/2004

Fenghua Zhou

US3819

6897

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EXAMINER

WONG, ERIC TAK WAI

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

07/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/788,516	Applicant(s) ZHOU, FENGHUA	
	Examiner ERIC T. WONG	Art Unit 3693	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/ERIC T. WONG/
Examiner, Art Unit 3693

Applicant's arguments have been considered but are not persuasive because of the reasons given below.

Applicant argues that there is no teaching in applicant admission of prior art within the specification of determining whether a declaration is acceptable. Paragraph 4 of the specification discusses the traditional auditing procedure known in the art. According to the specification, part of this traditional auditing procedure includes the customs authority agreeing on ending a case after it has audited the supporting documentation. Examiner asserts that the process of auditing is to verify that records or accounts are acceptable. Therefore, applicant admission of prior art does indeed include determining whether a declaration is acceptable. Even if applicant admission of prior art does not disclose the aforementioned feature, Examiner asserts that it is old and well known in the art to determine whether a customs declaration is acceptable.

Applicant further argues that Pratt cannot balance the two amounts of physical and book inventory. At the same time, Applicant admits that Pratt teaches determining the difference between amounts of book and physical inventory. One definition of balancing is to add up the two sides of an account and determine the difference (see dictionary.com). Thus, Examiner asserts that determining the difference between book and physical inventory is in fact balancing. Applicant further argues that Pratt fails to teach the feature of "providing an explanation report on balancing of book inventory and physical inventory". Pratt teaches determining and reporting the difference between the two amounts of book and physical inventory, and that report is, in and of itself, an explanation report. Applicant may intend the explanation report to explain the causes of the difference between the book and physical inventories. Even so, Pratt teaches ascertaining the reasons as to why such a difference exists. To automate such task would have been obvious to one of ordinary skill in the art at the time of invention (see *In re Venner*, 120 USPQ 192, 194; 262 F.2d 91 (CCPA 1958)).

Applicant further argues that there is no teaching or suggestion in Pratt regarding the claimed feature "declarations, electronic account books, return receipts and information on a customs bulletin board." Examiner notes that the parts of the system which are recited in the claims are defined by functional language, ie. a data inquiry module for... Therefore, the language of the claims is given weight to the extent that the prior art is or is not capable of meeting the functional limitations. see *In Re Schreiber*, 128 F.3d 1473 (Fed. Cir. 1997). As discussed above, Pratt teaches balancing of book inventory and physical inventory. Pratt surely teaches electronic account books since it balances electronic book and physical inventory. Further, Applicant admission of prior art teaches declarations and return receipts (see paragraph 4 and response to the argument above regarding whether or not Applicant admission of prior art teaches these features). Lastly, the proposed combination is configured to retrieve data from a customs bulletin board since it includes the ability for electronic data interchange (EDI).